



COUNCIL MINUTES

April 19, 2010

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on April 19, 2010 at 5:45 p.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Invocation by Pastor Paul Covert, Central Christian Church.

Pledge of Allegiance was led by Councilmember Somers.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Mayor Smith announced that this week is National Volunteer Week and said that the City of Mesa is blessed to have a multitude of volunteers who offer their services to the community.

City Manager Christopher Brady expressed appreciation to the hundreds of volunteers who dedicate their time and energy to the City of Mesa. He stated that volunteers serve in a variety of different roles and perform tasks such as building museum exhibits, working with emergency responders, and coaching/officiating youth sports. Mr. Brady noted that present in the audience were volunteers holding signs that reflect which City departments they represent and the number of hours of service provided to those departments during 2009.

Vice Mayor Jones remarked that the Mesa Arts Center, the Arizona Museum of Natural History and the Museum for Youth could not operate without the support and dedication of hundreds of community volunteers. He explained that in 2009, volunteers donated 3,321 hours of service at the Arizona

Museum for Youth, 17,379 hours of service at the Arizona Museum of Natural History, and 37,835 hours of service at the Mesa Arts Center.

Councilmember Kavanaugh advised that as Chairman of the Public Safety Committee, he works closely with the Police and Fire Departments and their volunteers. He stated that in 2009, the Police Department volunteers (VIPS – Volunteers in Police Service) provided over 30,018 hours of service in various roles including license plate readers, mobile traffic enforcement and victim assistance. Councilmember Kavanaugh also noted that volunteers at the Fire Department participated in the City's Connector Program, Community Response Team and Bilingual Assistance Team and said that in 2009, those individuals donated 27,528 hours of service.

Councilmember Richins reported that in 2009, several City departments experienced volunteers for the first time. He highlighted those services as follows: 1.) College students volunteered more than 1,000 hours of service at the City Attorney's Office and assisted with the drafting of legal memoranda; 2.) At the City Prosecutor's Office, volunteers provided more than 800 hours of service and assisted with victims services and prepared notifications; 3.) Volunteers provided more than 227 hours of service at the Office of Economic Development and worked to update the Department's web site, conducted research and updated the "Guide to Opening a Business in Mesa;" and 4.) College interns provided more than 674 hours of service to the Development & Sustainability Department.

Councilmember Finter noted that volunteers at the Library serve in various roles, including clerical assistance, delivering books to the homebound and narrating talking books for the blind. He stated that in 2009, Library volunteers donated 21,908 hours of service, of which 5,490 hours were donated by teen volunteers. Councilmember Finter further commented that Parks and Recreation volunteers perform services such as coaching, training, team leadership and park maintenance. He announced that in 2009, Parks and Recreation had the highest number of volunteer hours, with 32,339 hours of service.

Councilmember Higgins commented that as Chairwoman of the Community & Neighborhood Services Committee, she has worked with many volunteers who distribute fliers for neighborhood events/meetings and educate residents with regard to outreach news. She acknowledged the students in the Sheltered Employment Training (SET) Program at SHARP School for their hard work in preparing more than 6,000 surveys/handouts for the "Building Strong Neighborhoods" Program each year. Councilmember Higgins also recognized the Eagle Scouts and members of the East Valley Bible Church for their volunteer efforts in the community. She further remarked that for the past two years, the City of Mesa has sponsored "Top2Bottom," an event in which thousands of volunteers painted canal bridges, removed graffiti and participated in canal cleanup. She added that in 2009, Neighborhood Services volunteers donated 36,074 hours of service to the community.

Councilmember Somers recognized the volunteers who serve on the City of Mesa's citizen advisory boards and committees. He stated that in 2009, those individuals donated 1,424 hours of service to the community and acknowledged that they play a significant role in making recommendations to the Council on various issues that impact the community as a whole. Councilmember Somers noted the efforts of the Planning & Zoning Board and also acknowledged the MACFest volunteers, who have helped to bring a free event to downtown Mesa.

Mayor Smith expressed appreciation to his fellow Councilmembers for their dedicated service to the City of Mesa. He also stated that in celebration of National Volunteer Week, he proclaimed April 18th through 24th, 2010 as Volunteer Week in the City of Mesa.

Senior Human Resources Analyst Sheila Byrne, Chairperson of the Citywide Volunteer Management Group, announced that in 2009, volunteers donated 213,944 hours of service to the City of Mesa, providing a total dollar value of \$4,505,296.

Environmental and Sustainability Deputy Director Scott Bouchie reported that in order for Mesa to secure the Tree City USA designation (sponsored by the Arbor Day Foundation), one of the requirements the City must fulfill is to hold an Arbor Day observance and issue a proclamation. He stated that three events would occur throughout the week leading up to the April 30th Arbor Day celebration.

Mr. Bouchie cited passages from "The Lorax," a book written by Theodor Seuss Geisel (Dr. Seuss) nearly 40 years ago, which addressed various sustainability issues that still exist today. He added that on April 24th, the City of Mesa would conduct tree care clinics at local nurseries and said that certified arborists would assist residents in learning how to select, plant and care for trees in our environment.

Mayor Smith proclaimed Friday, April 30, 2010 as Arbor Day in the City of Mesa and said he hoped everyone would remember how important trees are to the environment.

1. Take action on all consent agenda items.

Mayor Smith stated that citizens have requested that item 5d be removed from the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that the consent agenda items, as amended, be approved.

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes of the February 4, March 4 and 25 and April 5, 2010 Council meetings.

3. Take action on the following liquor license application:

*3a. Las Sendas PTO

This is a one-day charitable event to be held on Friday, April 23, 2010 from 6:00 p.m. to 10:00 p.m. at 7900 East Eagle Crest Drive. **(District 5)**

*3b. Neighborhood Economic Development Corporation

This is a one-day civic event to be held on Friday, May 7, 2010 from 6:00 p.m. to 10:00 p.m. at 1 to 270 West Main Street. **(District 4)**

*3c. Wal-Mart Neighborhood Market #3846

Person to Person Location to Location Transfer of a Liquor Store License for Wal-Mart Neighborhood Market #3846, 2725 East McKellips Road, Wal-Mart Stores Inc. – Clare Hollie Abel, Agent. This location presently has a Beer & Wine Store License under Wal-Mart Stores Inc. that will revert back to the State. **(District 1)**

*3d. Mi Amigos Food Mart

New Beer & Wine Store License for Mi Amigos Food Mart, 1930 East Broadway Road, Suite 2, Green Egg LLC – Thomas Edward Grubbs II, Agent. The previous Beer & Wine Store License held at this location by Mi Amigos Food Mart Inc. will revert back to the State. **(District 2)**

*3e. Walgreens 12335

New Beer & Wine Store License for Walgreens 12335, 10825 East Baseline Road, Walgreen Arizona Drug Co. – Randy Allen Guse, Agent. This is an existing building with no previous liquor license at this location. **(District 6)**

*3f. Thai Spices

New Restaurant License for Thai Spices, 66 South Dobson Road, Suite 133-135, Bua Thai LLC – Kevin O. Rawlinson, Agent. The previous Restaurant License held at this location by Boca7 LLC will revert back to the State. **(District 3)**

4. Take action on the following contracts:

4a. Purchase of New and Replacement Furnishings and Chairs for the New Mesa Municipal Court (Fully Funded by Series 2009 Bonds). **(Citywide)**

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Target Commercial Interiors at \$128,084.25, Goodmans Interior Structures at \$125,793.40, and from the Arizona State University contract with Target Commercial Interiors at \$53,911.78, including applicable taxes, for the combined total of \$307,789.43.

It was moved by Councilmember Higgins, that the purchase of all public lobby and hallway seating, in the amount of \$117,343.28, be approved.

Councilmember Higgins expressed opposition to the purchase of 90 staff chairs, which cost \$600 each, and also the acquisition of an \$8,500 conference table.

Councilmember Finter seconded the motion.

Councilmember Higgins further commented that although the tables and chairs that are currently being used at the new Municipal Court are old and do not match, they are still functional. She said that in light of upcoming budget reductions and the possible layoff of City employees, she was uncomfortable in approving all of the items on the contract as recommended by staff.

Mayor Smith clarified that the motion is to approve a contract amount of \$117,343.28 as opposed to staff's recommendation of \$307,789.43.

Councilmember Kavanaugh expressed opposition to the motion. He commented that staff's recommendation was appropriate and said that the purchase of new and replacement furnishings and chairs has been contemplated all along in outfitting the new facility. Councilmember Kavanaugh also remarked that staff transferred as much of the existing furniture

from the old Court Building as possible, but noted that the majority of the items were more than 25 years old and no longer functional.

Councilmember Richins concurred with Councilmember Kavanaugh's comments and stated that during a recent tour of the new Municipal Court, it was embarrassing to see "the hodgepodge of chairs" being utilized. He stressed the importance of staff being provided good quality equipment and added that the purchase was well-researched. Councilmember Richins further remarked that the furnishings would be paid for with bond funds and voiced confidence that staff would be "good stewards" relative to using those monies wisely just like they have in the past.

Councilmember Finter thanked the Court staff for their efforts to repurpose as much of the existing serviceable furniture in the new facility as possible. He acknowledged the necessity of purchasing replacement furnishings and chairs for the new Municipal Court, but questioned the purchase of 90 \$600 chairs and an \$8,500 conference table.

Mayor Smith commented that although it was important for staff and the Council to be "wise stewards" of the taxpayers' monies, he was not surprised by the cost of the high quality furniture recommended by staff. He noted that staff devoted a significant amount of time and planning with regard to the purchase of such furnishings and stated the opinion that if one skimps on the cost of items that are used on a daily basis, it usually results in those items costing more in the long run.

Mayor Smith called for the vote.

Upon tabulation of votes, it showed:

AYES - Finter-Higgins

NAYS - Smith-Jones-Kavanaugh-Richins-Somers

Mayor Smith declared the motion failed for lack of a majority vote.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that the recommendation of staff be approved.

Upon tabulation of votes, it showed:

AYES - Smith-Jones-Kavanaugh-Richins-Somers

NAYS - Finter-Higgins

Mayor Smith declared the motion carried by majority vote.

- *4b. Purchase of a New Gas Chromatograph Mass Spectrometer for the Water Resources Department. **(Citywide)**

The Purchasing Division recommends authorizing purchase to the highest scored proposer, Agilent Technologies, Inc., at \$159,336.07.

- *4c. Purchase of a Replacement Interview Room Recording and Management System for the Police Department (Fully Funded by Asset Forfeiture [RICO] Funds). **(Citywide)**

The Purchasing Division recommends awarding the contract to the highest scored proposal, MicroCeption, Inc., at \$108,795.46, including applicable sales tax. Additionally, the Purchasing Division recommends purchase from the State of Arizona/WSCA contracts with Hewlett Packard Direct at \$8,695.35 and Dell Marketing LP at \$21,255.30, including applicable sales tax, for the combined total of \$138,746.11.

*4d. Term Contract for Pipe Repair Clamps for Warehouse Inventory. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidder, Arizona Water Works, at \$65,304.21 annually, based on estimated requirements.

*4e. Purchase and Installation of Three (3) Switchgear Retrofit Kits for the Water Resources Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidder, Electric Supply Inc., at \$111,359.48.

*4f. Purchase of a New Trailer-Mounted Towable Articulating Boom Lift for the Parks, Recreation & Commercial Facilities Department. **(Citywide)**

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidder, H & E Equipment Services, Inc., at \$37,903.92.

*4g. Purchase of 21 Replacement Motorcycles for the Police Department (Fully Funded by Asset Forfeiture [RICO] Funds). **(Citywide)**

The Purchasing Division recommends authorizing purchase from the lowest, responsible and responsive bidder, Kelly's Kawasaki, a Mesa business, at \$512,000.47, including up-fitting costs and applicable sales tax.

*4h. Intelligent Transportation System (ITS) Traffic Signal Conversions – Phase 3, Mesa Drive and Main Street Corridor. **(Districts 1, 2 and 4)**

City Project 06-057-001. This project includes approximately 3 miles of new underground conduit and fiber-optic cable along Mesa Drive from Broadway Road to University Drive, and along Main Street from Mesa Drive to Gilbert Road. Also included are new traffic signal cabinets, controllers, video detection cameras, and closed circuit television cameras.

Recommend award to the low bidder, CS Technologies, LLC, in the amount of \$1,095,375.00 plus an additional \$109,537.50 (10% allowance for change orders) for a total award of \$1,204,912.50. This project will be completely funded by a Federal Congestion Mitigation and Air Quality (CMAQ) grant.

*4i. Upgrade Pressure Reducing Valve No. 28 & Connect Desert Well No. 12 to the Falcon Field Zone, Ellsworth & Pecos. **(District 6)**

City Project 09-915-001. This project will install the necessary piping to allow the well to pump to the Falcon Field zone by connecting to an existing water line in Ellsworth Road.

This will provide the flexibility to use the well to help meet water demands in either pressure zone.

Recommend award to the low bidder, WGC Inc., in the amount of \$87,438.00 plus an additional \$8,743.80 (10% allowance for change orders) for a total award of \$96,181.80. Funding is available in the approved FY 09/10 Capital Water Bond Program.

- *4j. Rehabilitation of the Southern Avenue Wastewater Line, Southern Avenue from Horne to the west side of Tempe Canal. **(Districts 3 and 4)**

City Project 07-060-001. This project will rehabilitate the Southern Avenue wastewater main by installing a new interior lining system that will strengthen the existing pipe and improve the flow capacity.

Recommend to approve the selection of B & F Contracting, Inc. as the Construction Manager at Risk, and the associated Design Phase Services contract in the amount of \$129,949.60. Funding is available in the approved FY 09/10 Wastewater Capital Budget.

5. Introduction of the following ordinances and setting May 3, 2010, as the date of the public hearing on these ordinances:

- *5a. **Z10-08 (District 3)** 502 South Dobson Road Suite #3. Located south of Broadway Road on the west side of Dobson Road (1,900± s.f.). Council Use Permit. This request will allow the operation of a pool hall. Cary Newton, owner; Duc Nguyen, applicant. (PLN2009-00060)

P&Z Recommendation: Approval with Conditions. (Vote: 4-0, Boardmembers Mizner and Coons absent.)

- *5b. **Z10-09 (District 6)** 7825 East Paloma Avenue. Located north of Elliot Road and east of Sossaman Road (3.77± acres). Site Plan Review. This request will allow the development of a construction yard. Shalena Weidenbener, owner; Steve Nevala, applicant. (PLN2010-00032)

P&Z Recommendation: Approval with Conditions. (Vote: 4-0, Boardmembers Mizner and Coons absent.)

- *5c. **Z10-12 (District 5)** 7464 East Main Street. Located north of Main Street and west of Sossaman Road (18,742± s.f.). Council Use Permit. This request will allow the operation of a school within a commercial zoning district. Mansoor Alyeshmerni Revocable Trust, owner; Dick Buckingham, applicant (PLN2010-00031)

P&Z Recommendation: Approval with Conditions. (Vote: 4-0, Boardmembers Mizner and Coons absent.)

- 5d. **Z09-20 (District 6)** 6919 East Monterey Avenue. Located north of Guadalupe Road and east of Power Road (19.39± acres). Rezone from C-2 and R1-6 PAD to R-4 PAD and Site Plan Review. This request will allow the development of a multi-residential apartment complex. Prehab Foundation, owner; Mark Reeb, applicant. **(LEGAL PROTEST ¾ VOTE REQUIRED.)**

P&Z Recommendation: Approval with conditions. (Vote: 3-2-1, Boardmembers DiBella and Mizner voting nay and Boardmember Hudson abstained.) **(CONTINUED FROM THE MARCH 22, 2010 COUNCIL MEETING.)**

Mayor Smith clarified that this item was merely the introduction of the ordinance and said that at the May 3, 2010 Regular Council meeting, the Council would take final action on the matter.

Mayor Smith advised that he received speaker cards from Diane Hyink and Cheryl Kirby, both of whom did not wish to address the Council, but wanted their names entered into the record as opposing the issue. He stated that he also received a card from Beth Ann VanHoose, who wished to address the Council.

City Clerk Linda Crocker informed the Council that Ms. VanHoose left the meeting.

Mayor Smith indicated that Ms. VanHoose also opposed the matter.

Councilmember Somers commented that zoning cases are included on the agenda for introduction two weeks prior to the Council taking action on such items. He invited any citizens who have an interest in this case to attend the May 3rd Regular Council meeting, at which time they would have an opportunity to address the Council and express any issues/concerns they may have regarding the matter.

It was moved by Councilmember Somers, seconded by Vice Mayor Jones, that the above-referenced ordinance be introduced and that May 3, 2010 be set as the date of the public hearing on the ordinance.

Carried unanimously.

- *5e. Amending Mesa City Code Section 11-18-8(H) of the zoning ordinance to allow notice of a proposed rezoning amendment to occur through either posting of a site, or through a newspaper advertisement. Currently, both means of notification are required. This revision will be used to facilitate public notice of the upcoming comprehensive revision of the Zoning Ordinance. **(DELETED)**
- *5f. Amending Title 1, Chapter 20 of the Mesa City Code to delegate authority to the City Manager to grant and assign certain easements and dedicate rights-of-way and easements to the public from City-owned land.

6. Take action on the following resolutions:

- *6a. Extinguishing Drainage Easements and Public Utilities and Facilities Easements at 9602 East Elliot Road – Resolution No. 9653. **(District 6)**

These easements are no longer required as the design of the property has changed and the new plat will dedicate new easements.
- *6b. Vacating an alley located south of East University Drive between North Harris Drive and North Hunt Drive East – Resolution No. 9654. **(District 2)**

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

- *6c. Extinguishing easements on City-owned property located at the southeast corner of Vineyard Avenue and Juanita Avenue – West Mesa Park and Ride site – Resolution No. 9655. **(District 3)**

These easements were dedicated under a previous development. The Park and Ride project will not be utilizing these easements.

- *6d. Setting May 17, 2010, as the public hearing date for the review and approval of the FY 2010/2011 Mesa Town Center annual assessments. The Mesa Town Center Improvement District No. 228 was established to provide enhanced services for the Mesa Town Center. The recommendation is to not increase the assessments for FY10/11 – Resolution No. 9656. **(District 4)**
- *6e. Calling the Primary Election for August 24, 2010 – Resolution No. 9657.
- *6f. Approving and authorizing the City Manager to execute a Deed of Release and Reconveyance on the Marc Center of Mesa's property located at 924 North Country Club Drive and release the lien the City has on the property – Resolution No. 9658.
- *6g. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County to secure grant funds for the Police Department in the amount of \$59,408 for Coplink node network connectivity – Resolution No. 9659.
- *6h. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County to secure grant funds for the Police Department in the amount of \$83,598 for Coplink uplift license fees – Resolution No. 9660.
- *6i. Approving and authorizing the City Manager to execute a Municipal Effluent Purchase and Sale Agreement between Mesa, Phoenix, Tempe, Scottsdale, Glendale, Arizona Public Service Company and Salt River Project, on behalf of themselves and other owners of the Palo Verde Nuclear Generating Station – Resolution No. 9661.
- *6j. Approving and supporting the submittal of a grant application by the Child Crisis Center to the Fort McDowell Yavapai Nation in the amount of \$20,549 for roof replacement on their Emergency Shelter located at 604 West 9th Street – Resolution No. 9662.
- *6k. Approving and supporting the submittal of a grant application by Save the Family Foundation to the Gila River Indian Community in the amount of \$55,000 to support their transitional living program – Resolution No. 9663.
- *6l. Approving and supporting the submittal of a grant application by the Mission of Mercy to the Gila River Indian Community in the amount of \$50,000 each year for three years to support their Living with Diabetes program – Resolution No. 9664.

- *6m. Designating the City Council as a Local Redevelopment Authority to facilitate the disposition of the Former Air Force Research Lab located at 6030 South Kent Street – Resolution No. 9665. **(District 6)**

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *7a. **Z10-11 (District 2)** 915 North Val Vista Drive. Located north side of Adobe Road on the east side of Val Vista Drive (79.6± acres). Rezone from AG to R1-15 PAD. This request will allow the development of a single-residential subdivision. Thomas A. Coury Trustee, Owner; Greg Davis, IPlan Consulting, applicant – Ordinance No. 4974. (PLN2010-00010)

P&Z Recommendation: Approval with Conditions. (Vote: 4-0, Boardmembers Mizner and Coons absent.)

8. Take action on the following subdivision plats:

- *8a. "Village at Oasis Park" **(District 6)** 10617 East Oasis Street. Located south of Broadway Road and west of Signal Butte Road. Five (5) R-3 lots (5± acres). Pat Gilbert, Marc Center, owner; David Bohn, Kinetix Engineering, engineer.
- *8b. "First Mesa Commerce Park – Phase 1" **(District 6)** 9602 East Elliot. Located east of Ellsworth Road and north of Elliot Road. One (1) C-2 DMP and Seven (7) M-1 DMP lots (92.99± acres). First Industrial Realty Trust, Inc., owner; M-Tech Land Surveying, LLC, surveyor. **(DELETED)**
- *8c. "First Mesa Commerce Park – Phase 2" **(District 6)** 9602 East Elliot. Located east of Ellsworth Road and north of Elliot Road. Two (2) PEP DMP and Six (6) M-1 DMP lots (70.78± acres). First Industrial Realty Trust, Inc., owner; M-Tech Land Surveying, LLC, surveyor. **(DELETED)**

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 6:30 p.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 19th day of April 2010. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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